

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00611 WHA
)	
Plaintiff,)	[PROPOSED] ORDER EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL
v.)	ACT, 18 U.S.C. § 3161 <i>ET SEQ.</i>
)	
DALE SCOTT HEINEMAN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Based upon the record made at the parties' appearance before this Court on September 5, 2006, IT IS HEREBY ORDERED that the time from September 5, 2006 to January 8, 2007 is excluded from the time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* against defendants Dale Scott Heineman and Kurt F. Johnson, on grounds of: (a) the need for effective preparation by counsel and *pro se* defendants Heineman and Johnson pursuant to 18 U.S.C. § 3161(h)(8)(b)(iv), taking into account the exercise of due diligence, to analyze more than 120,000 pages of discovery, to draft motions due October 3, 2006, and to otherwise prepare for trial scheduled for January 8, 2007; (b) the complexity of this case pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii), where a 68-count superseding indictment has been returned charging seven defendants with, *inter alia*, mail fraud, bank fraud, and conspiracy to commit mail fraud, wire fraud and bank fraud and more than 120,000 pages of discovery have

~~[PROPOSED]~~ ORDER

1 been produced; and (c) the ends of justice are served and outweigh the best interest of the public
2 and the defendants in a speedy trial by excluding this period of time under the Speedy Trial Act
3 pursuant to 18 U.S.C. § 3161(h)(8)(A) based upon the record made at the parties' September 5,
4 2006 appearance and given the circumstances of this case, including the charges pending, the
5 number of named defendants, the amount of discovery produced, and the need to prepare
6 motions.

7 IT IS FURTHER ORDERED that, based upon the record made by defense counsel and
8 counsel for the government regarding defendant Charles Dewey Tobias, the time from which
9 trial must commence under the Speedy Trial Act is excluded as to defendant Tobias from
10 September 5, 2006 to September 19, 2006 for effective preparation by counsel and continuity of
11 counsel, pursuant to 18 U.S.C. § 3616(h)(8)(B)(iv), and in the interests of justice pursuant to 18
12 U.S.C. § 3161(h)(8)(A).

13 IT IS SO ORDERED.

14 Dated: September 13, 2006

HON. WILLIAM
UNITED STATES JUDGE

